IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 12070 of 2004(J)

OP MV.2252/1993 of M.A.C.T.,KOTTAYAM
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PETITIONER:

P.J.CHACKO, S/O. JOSEPH,
PULICKAL PULIMOOTTIL HOUSE,
MARANGATTUPALLY P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.D.SREEKUMAR

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, KOTTAYAM.

2. THE DEPUTY TAHSILDAR (RR),
MEENACHAL TALUK, PALAI.

3. THE VILLAGE OFFICER, ELACKADU
MARANGATTUPALLY P.O., KOTTAYAM DISTRICT

4. THANKAPPAN ALIAS CHACKO,
S/O. OUSEPH, VATTAPPILLAYIL HOUSE,
PUSHIKOL KARA, PUZHIKOL P.O.,
KADATHURUTHY, KOTTAYAM DISTRICT.

5. THE KERALA STATE INSURANCE DEPARTMENT,
KANJIKUZHY OFFICE, KOTTAYAM, REPRESENTED BY
ITS MANAGING DIRECTOR, THIRUVANANTHAPURAM.

R1 TO R3 & R5 BY G.P. SMT. SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE NOTICE DATED 12.3.2004 ISSUED BY THE 2ND RESPONDENT.

EXT.P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE RESPONDENTS DATED 19.3.2004

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 12070 OF 2004

Dated this the 16th day of November, 2007

JUDGMENT

There is no scope for entertaining the challenge against recovery proceedings when the MACT award itself is not under contest in this W.P. Counsel for the petitioner contended that claim is covered by a policy and therefore insurance company should have made payment. I leave it open to the petitioner to redress grievance against award in any forum, or through court in terms of the statute. However, since the challenge against recovery is not entertained in this WPC, petitioner is given time till 30.3.2008. Revenue recovery proceedings will be kept in abeyance for payment as above, and if default is committed by the petitioner in payment of the amount, respondents will be free to recover the entire arrears due.

W.P. is disposed of as above.

(C.N. RAMACHANDRAN NAIR)
Judge